THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

W.P.No.24126 of 2007

Dated:15.11.2007

Between:
Smt S. Aruna and another.

..Petitioners.

and

Greater Hyderabad Municipal Corporation, rep. by its Deputy Commissioner, Uppal Circle, Uppal, Ranga Reddy District and others.

..Respondents.

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W.P.No.24126 of 2007

ORDER:

This writ petition is filed for a writ of mandamus to declare the inaction on the part of the respondents in granting construction permission to the petitioner in respect of plot Nos.6 and 8 in Sy.No.44 of Ramanthapur Village, Uppal Mandal, Ranga Reddy District.

Heard Smt Krishna L.Gohaloth, representing Sri Vedula Venkataramana, learned counsel for the petitioner, Sri S. Nageswar Reddy, representing Sri Polisetti Radha Krishna, learned Standing counsel for Municipality, Sri Srinivas, representing Sri M. Surender Rao, learned counsel for respondent No.2, and the learned Assistant Government Pleader for Irrigation for respondent No.5.

It is the submission of the learned counsel appearing for the parties that the issue raised in this writ petition is squarely covered by the judgment of this Court in W.P.No.16397 of 2004, dated 13.04.2005, and the order, dated 06.02.2007 in W.A.No.124 of 2007.

The learned Single Judge in W.P.No.16397 of 2004 directed

respondent No.1 to consider the application of the petitioner for building permission in accordance with the building rules and regulations and master plan etc., of the Urban Development Authority and if all the requirements are satisfied, he shall not reject the same merely on the basis that the plot falls within the full tank level of Peddacheruvu. The learned Judge also directed the petitioner therein to give an undertaking that in the event the property is acquired for preserving the land for full tank level, the petitioners shall not claim compensation for the structure to be raised by him. Against the similar order passed in W.P.No.2235 of 2006, a Division Bench of this Court, to which I am a party, dismissed the writ appeal filed by the Uppal Municipality (Presently Greater Hyderabad Municipal Corporation) confirming the orders of the learned Single Judge.

In view of the same, the Writ Petition is disposed of at the admission stage in terms of the order, dated 13.04.2005, passed in W.P.No.16397 of 2004 with the direction that the same shall be read as a part of this order. No costs.

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C.V.NAGARJUNA REDDY, J

Dated:15.11.2007

sj